

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA	:	
	:	CRIMINAL ACTION NO.
v.	:	1:12-cr-276-SCJ-GGB
	:	
GODFREY ILONZO	:	

MOTION TO RESCIND OR QUASH ARREST WARRANT

COMES NOW the United States of America, by Sally Quillian Yates, United States Attorney, and Laurel R. Boatright, Assistant United States Attorneys, Northern District of Georgia, and hereby requests that this Court rescind or quash the arrest warrant filed on January 16, 2013, (Doc. 68), for the arrest of Defendant Godfrey Ilonzo.

1.

On August 22, 2012, Defendant was arrested and temporarily detained for two counts of bankruptcy fraud. (Docs. 6, 7, and 8). Defendant was indicted on those charges on August 28, 2012. (Doc. 10). On September 4, 2012, Defendant was released on bond. (Docs. 16, 17, and 18).

2.

On January 8, 2013, a federal grand jury returned a First Superseding Indictment charging Defendant and three co-defendants with, *inter alia*, a drug conspiracy to illegally prescribe controlled substances. (Doc. 36). In response to a summons, Defendant appeared in Court on January 15, 2013. (Docs. 47 and 52).

On that same date, the Government moved to detain Defendant on the basis of the new charges. (Doc. 48).

3.

On January 15, 2013, Judge Vineyard heard argument from the Government and defense counsel regarding the detention of Defendant. (Doc. 49). At that time, defense counsel argued that the Court may have lacked jurisdiction to detain Defendant under the Bail Reform Act because Defendant had merely responded to a summons to appear and had not been arrested on the new charges. The Court continued the hearing until January 24, 2013. (Id.).

4.

In order to ensure that the Court properly could consider the detention motion, the Government subsequently requested - and the Court issued - the instant Arrest Warrant for Defendant on January 15, 2013. (Doc. 68). Without the Arrest Warrant being executed, Defendant appeared in Court on January 24, 2013. (Doc. 78). On that date, the Court denied the Government's motion to detain and released Defendant after modifying the terms of his bond. (Id.).

5.

In light of the fact that (1) Defendant appeared on January 15, 2013 in response to a summons for the same charges that were the basis for the instant Arrest Warrant; (2) Defendant also appeared on January 24, 2013, without the execution of the instant Arrest Warrant; and (3) the Court has denied the Government's

motion to detain and released Defendant on bond in light of the new charges, the Government therefore requests that this Court rescind or quash the instant Arrest Warrant as moot.

Respectfully Submitted,

SALLY QUILLIAN YATES
United States Attorney
Northern District of Georgia

s/LAUREL R. BOATRIGHT
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CERTIFICATE OF COMPLIANCE AND SERVICE

I hereby certify that the above was prepared using Courier New 12 point font, and that I have caused a copy of the foregoing MOTION TO QUASH WARRANT to be electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorney(s) of record:

Defense Counsel

This 28th day of January, 2013.

s/LAUREL R. BOATRIGHT
Assistant United States Attorney